

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BOBBY W. ENDSLEY,

Plaintiff,

No. CIV S- 04-O990 FCD GGH P

vs.

YOLO COUNTY SHERIFF'S DEPT., et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se in an action pursuant to 42 U.S.C. § 1983. In response to plaintiff's August 25, 2005 letter, asking that his case be dismissed until he is out of prison, the court filed an order on September 12, 2005, presenting plaintiff with alternatives for proceeding in this action and informing him that his voluntary dismissal of this action would mean that he may only proceed by filing a new action. In addition to the alternatives provided for proceeding in this action, the court also informed plaintiff that if he still sought voluntary dismissal without prejudice of this action in its entirety, he should so inform the court within 30 days.

Plaintiff once again requested, by filing dated September 26, 2005, that this action be dismissed. By order filed on October 21, 2005, defendants were directed to notify this court, within twenty days, whether they had any objection to the dismissal of this action. On October

1 24, 2005, defendants filed a statement of non-opposition to the dismissal of this action. Pursuant
2 to Fed. R. Civ. P. 41(a), plaintiff's request shall be honored.

3 Accordingly, IT IS ORDERED that plaintiff's unopposed request for dismissal of
4 this action is granted, pursuant to Fed. R. Civ. P. 41(a), and the Clerk of the Court is directed to
5 close this case.

6 DATED: 11/9/05

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8 /s/ Gregory G. Hollows

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GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

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